

DIVISION OF SPECIAL EDUCATION

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State Advisory Council on the Education of Children With Disabilities

December 3, 1999

**Indianapolis/Marion County Library Services Center
Indianapolis, Indiana**

Members in Attendance: Rose Black (p.m.), Brett Bollinger, Jeanine Calabria (a.m.), Janet Corson (p.m.), Maureen Greer, Carolyn Heier, Marcia Johnson, Becky Kirk, J. Bret Lewis, Robert Marra, Mary Ramos, Elaine Scaife, David Schmidt, and Julie Swaim. Terry Huser, representing the ISD Board, also attended.

Members Absent: Cathlene Hardy Hansen, Steve Leuhman, Debbie Winchester, and Kathy Wodicka.

Division Staff in Attendance: Becky Bowman, Sharon Knoth, and Jackie Pitman.

Interpreters: Lynn Frye and Cynthia VanManen.

Guest: Susan Miller freelance reporter with the Gary Tribune.

David Schmidt called the meeting to order at 8:55 a.m. A quorum was not present, therefore David had those Council members present introduce themselves. A quorum arrived and he called for approval of the minutes from the Council's August 26 and 27, 1999 meeting. Bret moved to approve the minutes, seconded by Carolyn. Motion carried.

Article 7 Revision

Bob provided the Council with an update of where the revision process currently stands. Comments from the public hearings were compiled and shared with the Council. There were twelve hearings held across the state (one in each Congressional district plus two additional sites for those districts cover large geographical areas). The OSEP Eligibility Document necessitated some changes to Article 7 and some additions to our State Improvement Plan (SIP). The SIP is due into the Federal Government by April of 2000. Based on the comments from the hearings and the OSEP Eligibility Document, some minor changes were made to the last version of Article 7 reviewed by the Council. Bob walked the Council through the specific changes made.

Teacher of Record 511 IAC 7-17-72 - the item listed at #5 was added due to the OSEP checklist and then the others were moved down to 6, 7, 8, and 9.

Maureen asked whether the TOR would be the one responsible for discussing Extended School Year (ESY) and Assistive Technology (AT). Bob indicated that yes, this would be their role. She asked whether we needed to specifically state that within the definition. A discussion ensued. Maureen moved that the Division add language to the definition of TOR which includes the

responsibility for their participation in discussions of ESY and AT. Seconded by Terry. Motion carried.

Teacher of Service 511 IAC 7-17-73: Based upon the comments received at the public hearings the word SPECIAL was removed making the teacher of service any teacher providing services to the student.

Brett asked whether each teacher of service had to be listed by name, because if that were required, he would have to reconvene case conference committee meetings whenever that person changed. Some students may have 7 or 8 different teachers of service. Bob said that the Division would look into this issue and provide some guidance or clarification as necessary. Terry and Becky K. each indicated that as parents, they want to know who the teacher working with their son or daughter is, and if that changes they want to know. This would not necessarily be through a case conference committee meeting, but definitely somehow letting them know.

Initial Educational Evaluation 511 IAC 7-25-4(k)(l) and (m): These sections speak to the public agency providing the parent with a copy of the evaluation report prior to the case conference committee meeting. Many comments were received on the language which appeared in the public comment version of Article 7.

A discussion of this section ensued. No one on the Council disagreed that the parent should receive a copy of the evaluation report prior to the case conference committee meeting; the unanswered question was how to ensure this occurred. Bob suggested that although we don't mandate a meeting, we could *encourage* one through a guidance or best practices paper (the evaluation report itself could even have a contact person for the parents to contact should they decide they want more information). Becky K. asked who at the school would have the evaluation report? Bob indicated that specificity in a rule is not going to fix this - it is going to be the special education director's responsibility to develop local procedures for this process. Carolyn indicated that with her students, they will most likely have to mail these reports to the parents. Bob indicated that would be permissible so long as it was documented. Bret asked who could come to this meeting? Bob indicated that this is a question the Division staff struggled with. Terry asked whether we could say that this is an informal meeting to help clarify things?

Case Conference Committee Meetings 511 IAC 7-27-4(d): This language was originally contained with subsection (c) but has now been moved to its own subsection. We had language which stated the case conference must consider the provision of braille - but now have that braille must be provided unless the case conference committee determines otherwise.

Julie brought the Council back one page to 511 IAC 7-27-4(c)(5). She asked what constitutes methodology? Does "type of communication" constitute methodology [i.e. American sign language (ASL), oral, total communication, etc.]. A discussion ensued. Bob indicated that this is an issue that the Division needs to revisit. Maureen indicated that her program does not look at this as a type of methodology - she instructs her service providers that this is a family decision.

Other Issues

Becky K. indicated that she arrived in Terre Haute at 8:00 p.m. (she had flown in from out of town) and missed the ability to testify. There are several places in the October version of Article 7 which say "reasonable" "without unnecessary delay" - page 39 (q)(2)(a), 36 (2)(a), 38 (2)(i) are

examples. She is concerned at how many occurrences of these terms there are within the document. Bob indicated that the Division will use the Find and Replace option within WordPerfect to see whether we can remove some of them (some may be because that is the term the federal government uses).

David brought up a concern regarding the caseload. Speech pathologists are very concerned regarding the size of their caseloads. Maureen indicated that service coordinators are the only individuals who have size limits. Each individual provider sets his or her own caseload - if they don't want to accept any more students, then they don't. In 1987 we tried to put caseloads into the regulations and it did not pass - what is the "magic" number?

Maureen brought up the issue of assistive technology and specifically the issue of hearing aids. How can students meaningfully participate in classrooms if they cannot see or hear? A similar argument is made regarding eye glasses. The federal language speaks to it being a case conference committee decision - which is how we wrote Article 7. Her regulations state they must purchase hearing aids. She is concerned that she is setting up an adversarial relationship between parents and schools at the point of transition. Julie indicated that hearing aids are excluded by insurance companies all of the way down. If it is a matter of cost, there are other venues than Part B funds which could be explored. A discussion ensued.

David brought up a concern regarding filling vacancies. His district had a vacancy this past year where they only had one applicant for the position (this was for mild disabilities). They subsequently had another opening for mild disabilities where they had NO applicants for the position. This, coupled with the fact that the number of limited licenses for special education alone keep going up. Sharon discussed the SIP and University Forum's goals for recruitment and retention which will focus on Jr. High school students. Janet asked her to keep in mind the high school level students when recruiting. Project SET with the Department of Education was also discussed. Carolyn indicated that they are having difficulty recruiting general teachers - even without a special education endorsement. This is coupled with the fact that they are under a hiring freeze. DOC and ISDH are under some unique hiring restrictions due to State Personnel and budget requirements.

Visually Impaired Services in the State

Sharon shared with the Council information on the Visually Impaired Services Committee. The next meeting of the committee is scheduled for March 7, 2000. She asked that if the Council had any questions or concerns to feel free to send or call them in to her.

Timelines for Article 7

January 6, 2000 is the next meeting of the State Board of Education. Once it is approved, it goes to the Attorney General's office, and they have 30 days to accept the Rules. Article 7 then goes to the Governor's office, and he has 30 days. Once approved by the Governor, it is forwarded to the Secretary of the State.

Reorganization

There is a potential that there will be a cooperative coming before the Council this coming year to restructure themselves. Bob will keep the Council informed as he learns more.

Next Meeting

February 11, 2000 is the next State Advisory Council meeting. The meeting will be held at the Five Seasons and will start at 9:00 a.m.

Meeting adjourned at 1:06 p.m.